

Appl. No. : 10/783,318
Filed : February 20, 2004

COMMENTS

Claims 19-44 remain pending in the present application, Claim 38 having been amended. The claims set forth above include markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed November 8, 2004, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

All Pending Claims Now Fully Comply With 35 U.S.C. § 112

Claims 25, 36, 37, and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the present rejection.

In particular, with respect to the rejection of Claims 25, 36, and 44, Applicant respectfully directs the Examiner to paragraph 0091 in which the operation of a control routine 189 is described. For example, in paragraph 0091, the specification discloses that “the control routine 189 begins and moves to a first decision block P2 in which the engine speed R is compared to a predetermined engine preplaning speed A (e.g., A can be about 3000-5000 rpm in some applications). Preferably, the predetermined engine preplaning speed A is an engine speed that generally corresponds to a watercraft speed that places the watercraft in the transition mode. **If the speed is greater than A**, the routine proceeds to a decision block P4.” (Emphasis added).

Applicant submits that according to the definition of the term “engine preplaning speed” one of ordinary skill in the art would understand if the engine speed is above the preplaning speed, the engine speed would then be at a planing speed.

Additionally, Applicant respectfully directs the Examiner to Figure 8. As shown in Figure 8, after the control routine 189 executes the operation block P8, the routine 189 returns to decision block P2. In the decision block P2, it is again determined if the engine speed R is greater than the preplaning speed A. If the engine speed is no longer greater than the preplaning speed A, the routine either stops (decision block P12) or reaches the operation block P14 in which it is indicated that “engine speed reduction completed.” Thus, the operation of the control routine 189 clearly shows the subject matter of Claim 25.

With respect to the rejection of Claim 37, Applicant notes that at paragraph 0027 of the present specification, it is indicated that the watercraft identified as 10 is a “personal

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watercraft.” Additionally, at paragraph 0032, page 5 of the present specification, it is disclosed that the seat 28 is configured so that a rider can sit thereon in a straddle fashion. Applicant notes that of all the “sit-down” type of personal watercraft that have ever been manufactured with a straddle-type seat such as that illustrated in Figure 1, none have been sized to accommodate five or more passengers. Rather, only recently have such watercraft been introduced into the marketplace that can accommodate four passengers. Thus, Applicant submits that one of ordinary skill in the art would understand that the personal watercraft described and illustrated in the present specification would necessarily be limited to no more than four passengers, thus providing support for the recitation of “no more than 4 passengers.”

Additionally, Claims 38-44 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. In particular, this rejection is based on the dependency of Claim 38.

In response to this rejection, Applicant has amended Claim 38 to depend from Claim 37. Applicant submits that this amendment corrects a mere typographical error and should not be interpreted as changing or affecting the scope of the claims. Applicant does submit that all claims now fully comply with the requirements of 35 U.S.C. § 112.

The Proposed Combination Of Henmi/Hapka et al/Tobinaga et al. Does Not Make Claims 19-44 Obvious

Claims 19-44 stand rejected under 35 U.S.C. § 103 as being obvious over Henmi in view of Hapka et al. and Tobinaga et al. Applicant respectfully traverses the present rejection.

As noted in the Office Action, Henmi discloses a jet pump powered small personal watercraft. However, Henmi fails to disclose a lubricant pressure sensor configured to detect the pressure within the lubrication system, an engine speed sensor, and a controller configured to gradually decrease engine speed if a lubricant pressure is below a predetermined pressure.

Hapka et al. teaches a method of operating a diesel engine in which engine speed is gradually reduced if there is a fault detected in the lubrication system. Hapka et al. discloses that certain output signals are provided to the console C in “the cab of the vehicle.” Hapka et al., col. 3, lns. 1-2 (emphasis added). Additionally, Hapka et al. indicates that “this feature of the present invention causes the driver to **downshift** at lower engine speeds because the performance reduction at the lower speeds will become undesirable. **Downshifting** allows

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the engine to operate at higher crankshaft rpms for a given vehicle speed.” Hapka et al., col. 5, lns. 30-35 (emphasis added).

Applicant submits that these portions of the Hapka et al. specification, as well as other portions, would indicate to one of ordinary skill in the art that the system of Hapka et al. is intended for a land-based vehicle. For example, those of ordinary skill in the art in watercraft design to not refer to the helm or operator’s area of watercraft as a “cab.” Additionally, those of ordinary skill in the art would assume that references to **downshifting**, as noted above, are references to land vehicles that have a transmission with multiple forward gears, uncharacteristic of any watercraft. Applicant submits that one of ordinary skill in the art would find no motivation for providing the features of Hapka et al. into an engine used for a watercraft.

For example, many kinds of watercraft are large and have great mass. Thus, there is no need identified in the prior art to gradually reduce the engine speed of a watercraft. In other words, many large watercraft would simply coast to a slower speed if the speed of the engine were abruptly reduced; no discomfort would be cause to the riders.

However, as noted in the specification of the present application, abrupt engine speed changes can cause discomfort to the riders. No where in any of the references of record is it disclosed that it is desirable to gradually reduce the speed of an engine of a watercraft. Rather, Applicant submits that the Examiner is relying on improper hindsight reasoning to provide motivation for combining the references.

In contrast, Claim 19 recites, among other recitations, “a lubrication system configured to circulate lubricant through the engine, a lubricant pressure sensor configured to detect a pressure within the lubrication system, an engine speed sensor configured to detect a speed of the engine, a controller configured to gradually decrease engine speed if the lubricant pressure is below a predetermined pressure, and an engine load input device comprising a throttle lever, the controller being configured to determine the engine load based on a position of the throttle valve.” Similarly, Claim 27 recites, among other recitations, “a lubrication system configured to circulate lubricant through the engine, a lubricant pressure sensor configured to detect a pressure within the lubrication system, an engine speed sensor configured to detect a speed of the engine, a controller configured to gradually decrease engine speed of the lubricant pressures below a predetermined pressure, and an engine load input device comprising a throttle lever.” Finally, Claim 37 recites, among other recitations,

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“a small personal watercraft comprising a hull, and an engine disposed within the hull, a lubrication system configured to circulate lubricant through the engine, a lubricant pressure sensor configured to detect a pressure within the lubrication system, an engine speed sensor configured to detect a speed of the engine, a controller configured to gradually decrease engine speed if the lubricant pressure is below a predetermined, and an engine load input device comprising a throttle lever.”

Applicant thus submits that Claims 19, 27, and 37 clearly and non-obviously define over the cited references. Additionally, Applicant submits that Claim 20-26, 28-36, and 38-44 also define over the cited references, not only because they depend from one of Claims 19, 27, or 37, but also on their own merit.

Response To The Drawing Objections

Applicant acknowledges the Examiner's objection to the drawings. In response, Applicant has submitted herewith marked-up copies of the drawing changes in the parent application as well as replacement sheets. Applicant thus submits that the drawing objections are now moot.

Amendments To Specification Address Noted Informalities

The foregoing amendments to the specification correct the informalities noted by the Examiner. The amendments do not add new matter and overcome the Examiner's objection. Entry of the amendments is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

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issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: February 8, 2005

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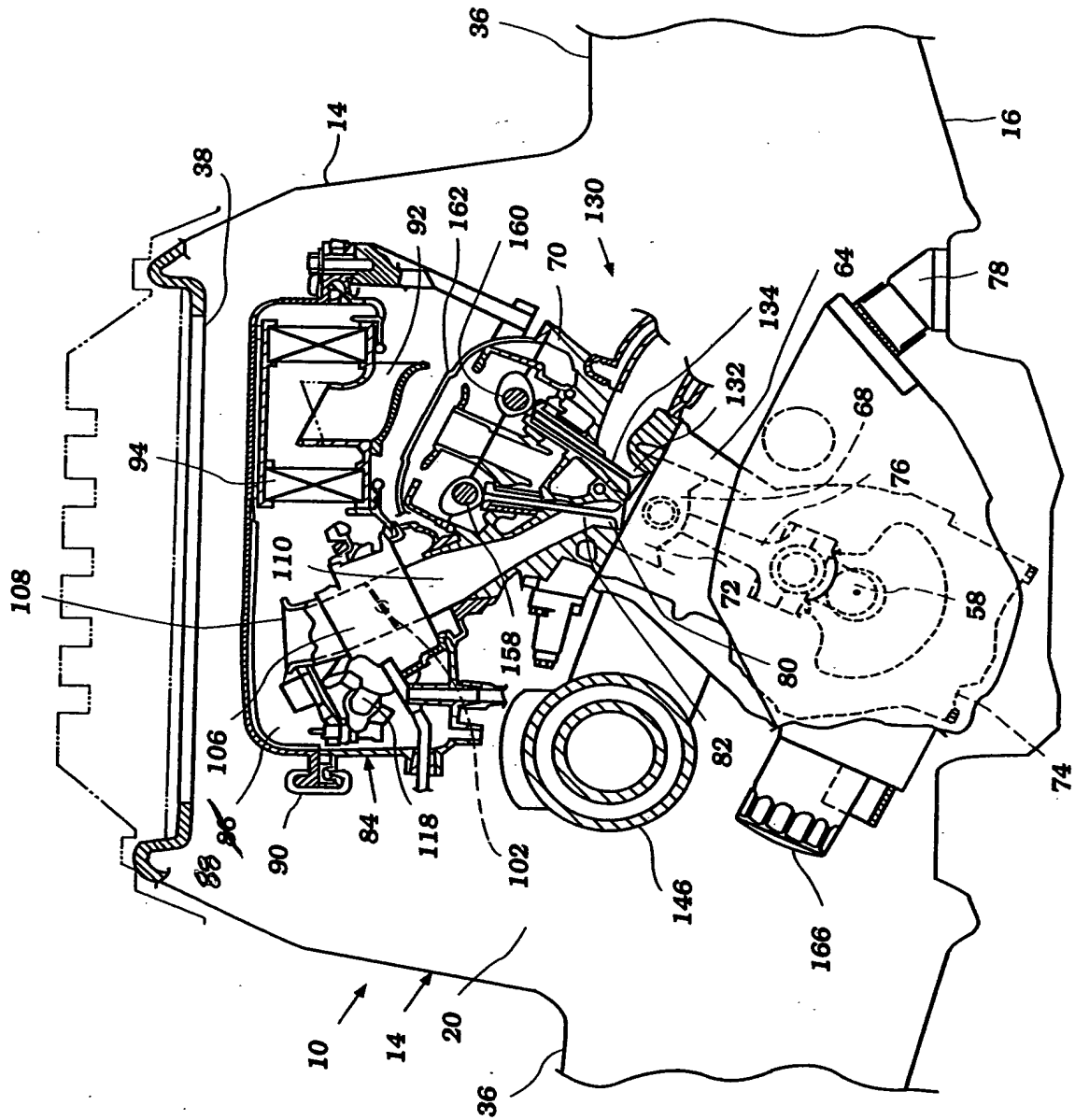


Figure 5

188

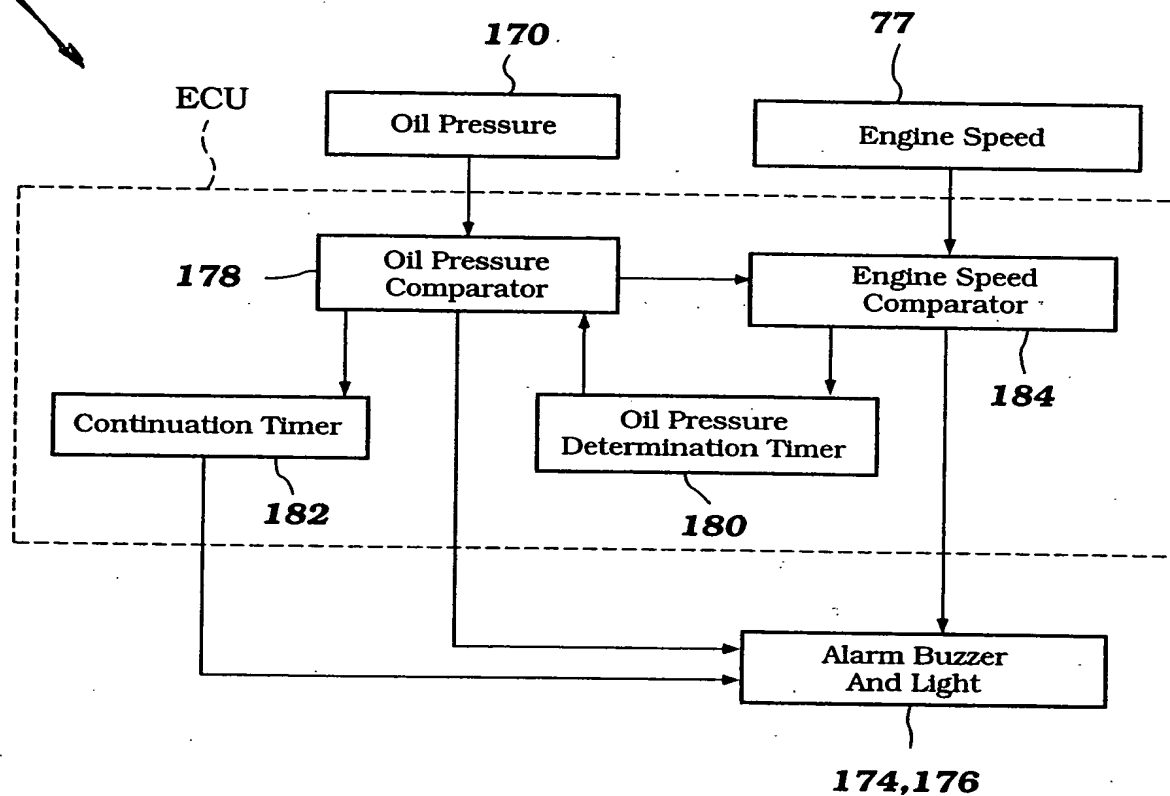


Figure 7

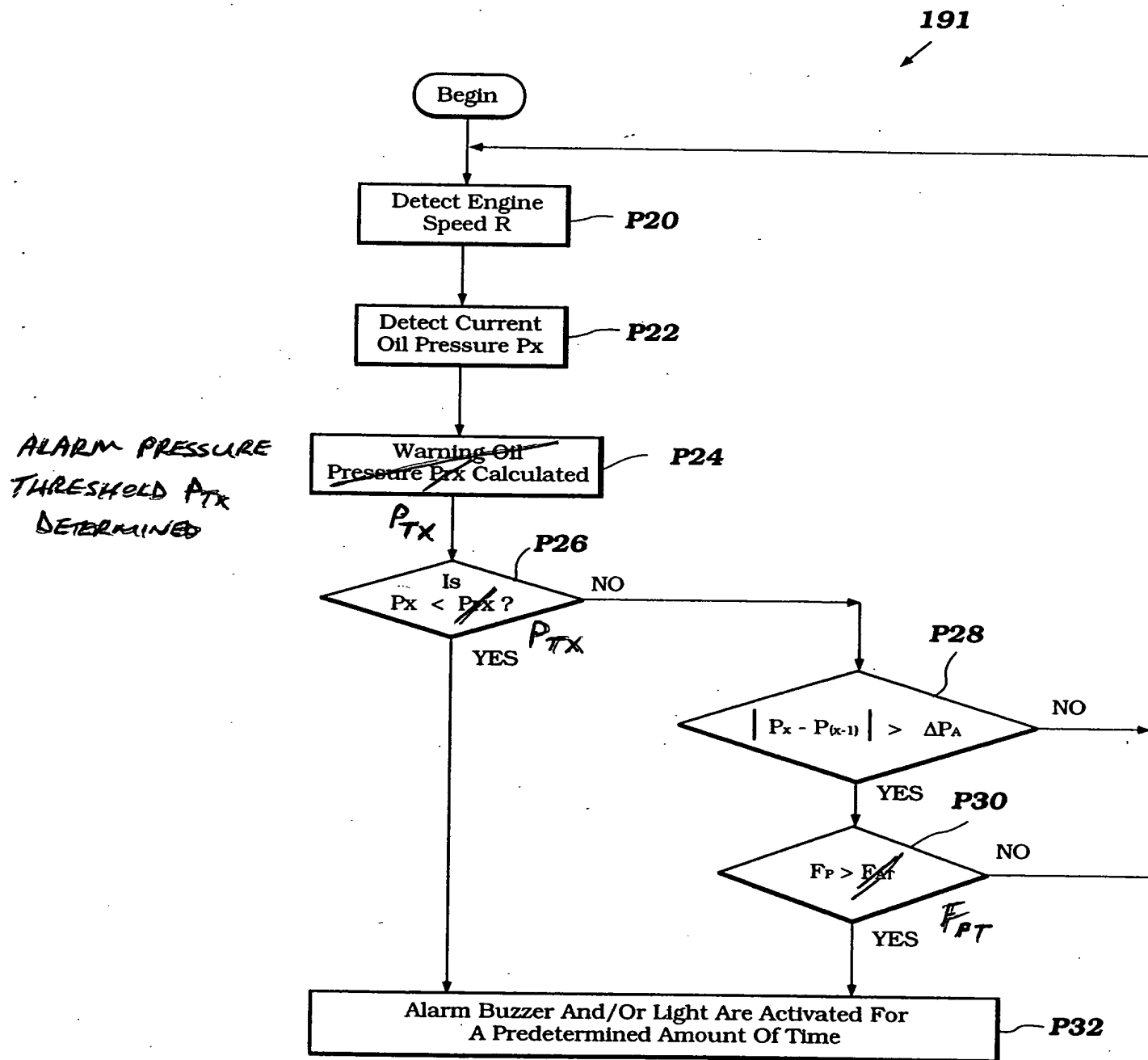


Figure 9

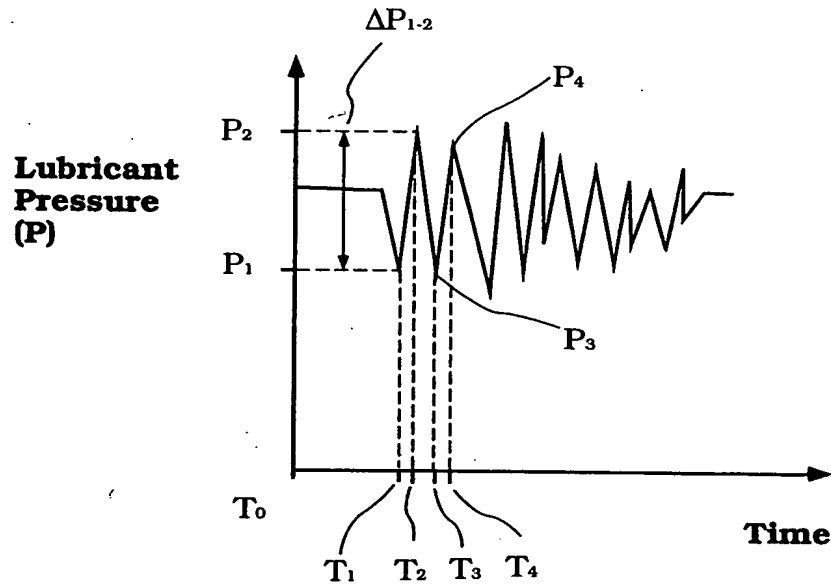


Figure 10

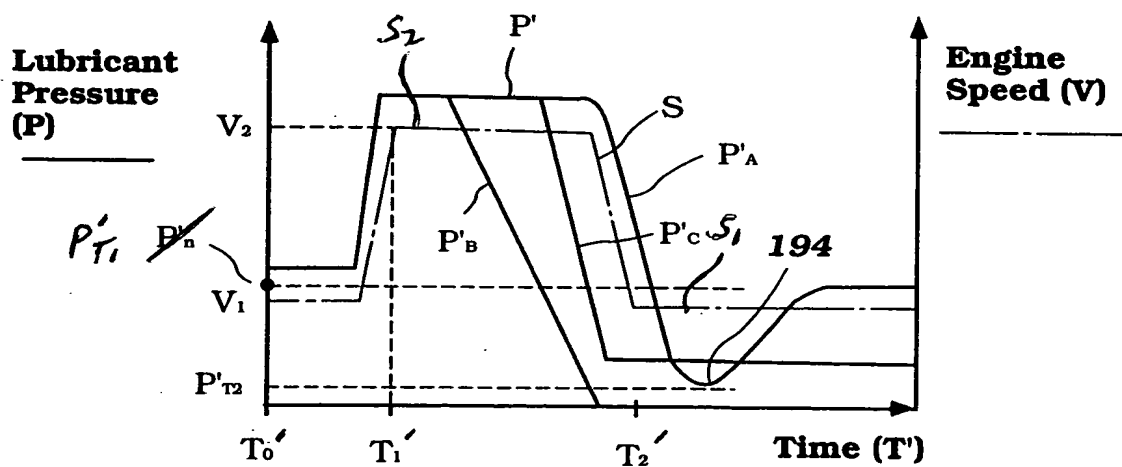


Figure 11

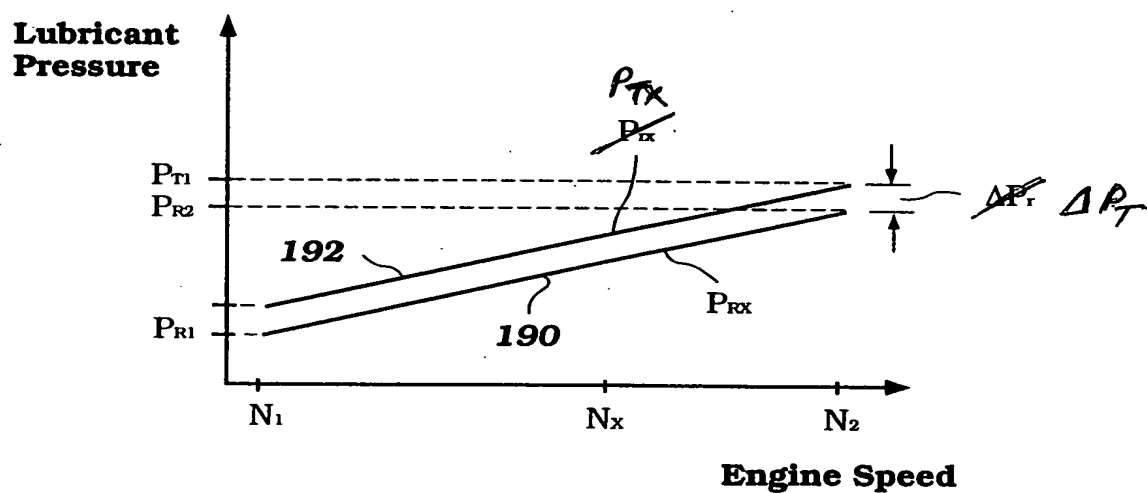


Figure 12

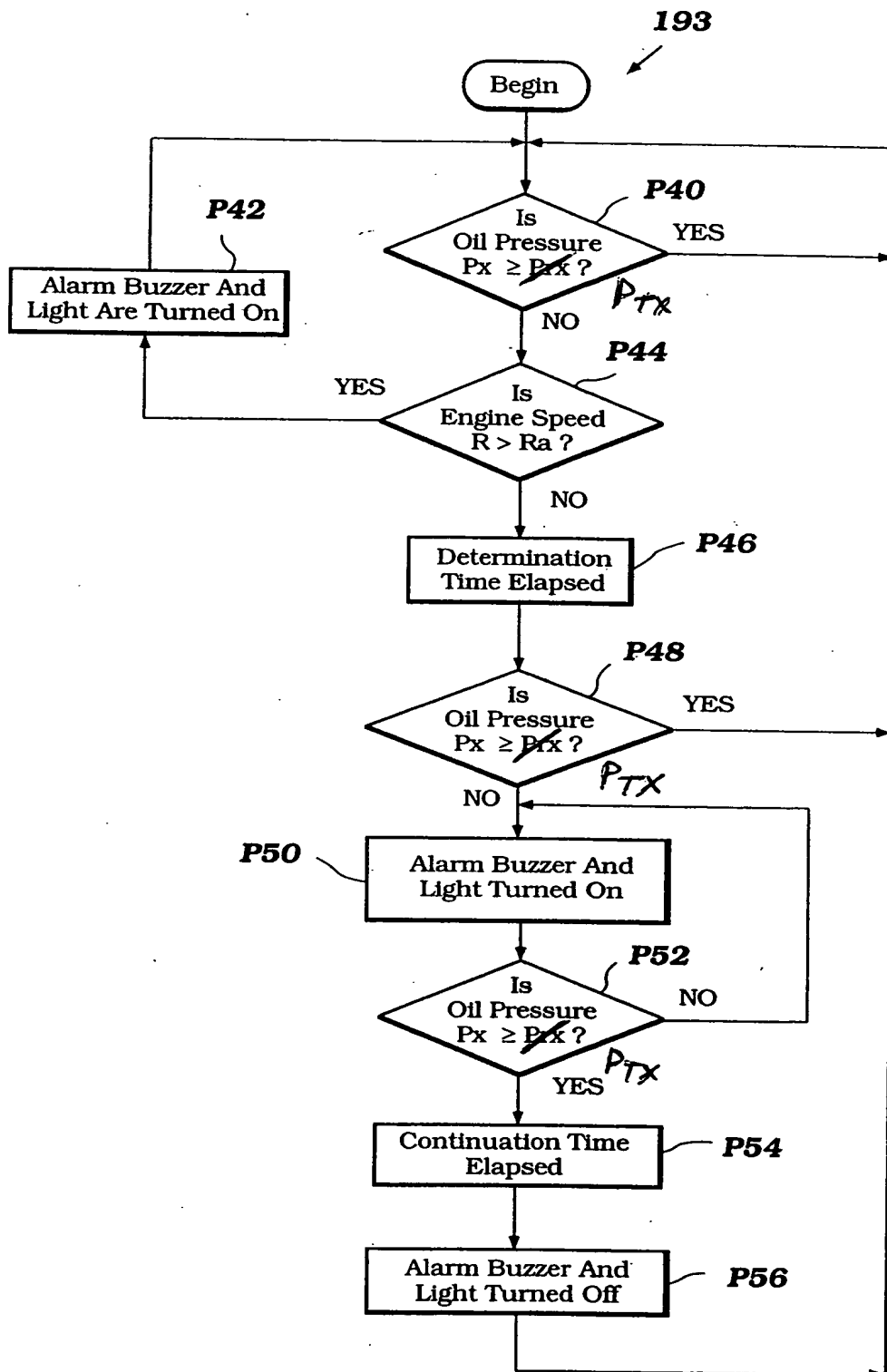


Figure 13

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Webster's II

New College Dictionary



Houghton Mifflin Company

Boston • New York

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Forms of

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Periodic 7

Signs and

buy-out also **buy-out** (bi'out') *n.* 1. The purchase of the entire holdings or interests of an owner or investor. 2. The purchase of a company or business.

buzz (büz) *v.* **buzzed**, **buzz-ing**, **buzz-es**. [ME *bussen*.] — *vi.* 1. To make a low, droning or vibrating sound. 2. To talk, often excitedly, in subdued tones. 3. To bustle. 4. To make a signal with a buzzer. — *vt.* 1. To cause to buzz. 2. To utter in a rapid, subdued voice. 3. *Informal*. To fly low over <The plane buzzed the house.> 4. To signal with a buzzer. 5. *Informal*. To make a telephone call to. 6. *Chiefly Brit.* To drink (a bottle or cup) to the last drop. — **buzz off**. *Informal*. To leave abruptly. — *n.* 1. A vibrating, humming, or droning sound. 2. A low murmur. 3. *Informal*. A telephone call <Give me a buzz at noon.> 4. *Slang*. A pleasant intoxication, as from alcohol.

buz-zard (bü'z'ard) *n.* [ME *busard* < OFr. < Lat. *buteo*.] 1. A North American vulture, as the turkey buzzard. 2. *Chiefly Brit.* A hawk of the genus *Buteo*. 3. An unpleasant, often greedy person.

buzz bomb *n.* ROBOT BOMB.

buzz-er (bü'z'er) *n.* An electric signaling device, as a doorbell, that makes a buzzing sound.

buzz saw *n.* A circular saw.

buzz word *n.* An important-sounding technical word or phrase used primarily to impress lay people.

bwa-na (bwä'na) *n.* [Swahili < Ar. *abūna*, our father.] — Used as a form of respectful address in parts of Africa.

by (bi) *prep.* [ME < OE *bi*.] 1. Next to: close to <the light by the window> 2. With the help or use of: THROUGH <We came by the main road.> 3. Up to and beyond: PAST <drove by the entrance> 4. In the period of: DURING <working by night> 5. Not later than <by noon> 6. a. In the amount of <requests by the thousands> b. To the extent of <closer by a foot> 7. a. According to. b. With respect to. 8. In the name of <swore by my honor> 9. Through the agency or action of <peace by negotiation> 10. — Used to indicate a succession of specified units of measure <filed out one by one> <Little by little they made headway.> 11. a. — Used in multiplication and division <3 by 5> b. — Used with measurements <a section 4 by 8 feet> — *adv.* 1. On hand: NEARBY <stay by> 2. Aside: away <set it by for now> 3. Up to, alongside, and past <The runner raced by.> 4. Into the past <as time goes by> — **by and by**. A little later. — **by and large**. For the most part.

by (bi) *n.* var. of BYE.

by- or **bye-** *pref.* 1. By <bygone> 2. Secondary: incidental <by-way>

by-and-by (bi'an-bi') *n.* 1. A time or occasion in the future. 2. The hereafter.

by-blow (bi'blō') *n.* 1. An indirect blow. 2. An illegitimate child.

bye also **by** (bi) *n.* [*< BY.*] 1. A secondary matter: SIDE ISSUE. 2. The position of one who draws no opponent for a round in a tournament, thus advancing to the next round. — **by the bye**. By the way: INCIDENTALLY.

bye- *pref.* var. of BY-.

bye-bye (bi'bi', bi-bi') *interj.* [Redup. of (good-)bye, var. of GOOD-BY.] *Informal*. — Used to express farewell.

by-election also **bye-elec-tion** (bi'i-lék'shən) *n.* A special election held between general elections to fill a vacancy in a legislature or parliament.

by-gone (bi'gōn', -gōn') *adj.* Gone by: PAST. — *n.* A past occurrence. — **let bygones be bygones**. To let past differences be forgotten.

by-law (bi'lō') *n.* [ME *bi-lawe*, local regulations, poss. of Scand. orig.]

1. A secondary law. 2. A rule or law governing the internal affairs of an organization.

by-line also **by-line** (bi'lin') — *n.* A line at the head of a newspaper or magazine article with the author's name. — *vt.* **-lined**, **-lining**, **-lines**. To write (an article) under a by-line. — **by'-lin'er** *n.*

by-name (bi'nām') *n.* 1. A surname. 2. A nickname.

by-pass also **by-pass** (bi'pās') — *n.* 1. A road or highway that passes around or to one side of a congested area or obstruction. 2. A conduit for channeling a liquid or gas around another pipe or a fixture. 3. A means of circumvention. 4. *Elect.* SHUNT 3. 5. *Med.* a. An alternative passage created surgically between two blood vessels, esp. to avoid an obstruction. b. An operation to create a by-pass. — *vt.* **-passed**, **-pass-ing**, **-pass-es**. 1. To avoid by using a by-pass. 2. To ignore or be heedless of. 3. To cause (e.g., piped liquid) to follow a by-pass.

by-past (bi'pāst') *adj.* Past: bygone.

by-path (bi'pāth', -pāth') *n.* An indirect or little-used path.

by-play (bi'plā') *n.* Secondary action or speech taking place while the main action proceeds, esp. on a theater stage.

by-product (bi'prōd'akt) *n.* 1. Something produced in the making of something else. 2. A secondary result: SIDE EFFECT.

byre (bir) *n.* [ME < OE *býre*.] *Chiefly Brit.* A cowshed or barn.

by-road (bi'rōd') *n.* A side road.

By-ron-ic (bi-rōn'ik) *adj.* Of or typical of the poet Byron or his works. — **By-ron-i-cal-ly** *adv.*

bys-si-no-sis (bis'i-nō'sis) *n.* [LLat. *byssinum*, linen garment < Lat. *byssus*, a kind of cloth < Gk. *bussos*, flax, of Semitic orig.] + *-osis*.] Pneumococcosis caused by the long-term inhalation of cotton dust and marked by chronic bronchitis.

bys-sus (bis'as) *n.* *pl.* **bys-sus-es** or **bys-si** (bis'i') [Lat., *linen* cloth < Gk. *bussos*, linen, of Semitic orig.] 1. Zool. A mass of filaments by means of which certain bivalve mollusks, as mussels, attach themselves to fixed surfaces. 2. A fine-textured linen used by the ancient Egyptians as wrapping for mummies.

by-stand-er (bi'stān'dar) *n.* A witness to an event.

by-street (bi'strēt') *n.* A side street.

byte (bit) *n.* [Alteration and blend of BIT and BITE.] *Computer Sci.* A sequence of adjacent bits, usu. eight; operated on as a unit by a computer.

by-way (bi'wā') *n.* 1. A byroad. 2. A secondary or overlooked field of study.

by-word (bi'wōrd') *n.* [ME *byworde* < OE *bīword* < transl. of Lat. *proverbium*.] 1. A well-known saying: PROVERB. 2. One that proverbially represents a type, class, or quality. 3. Something noteworthy or notorious. 4. An epithet or nickname.

Byz-an-tine (bīz'an-tēn', -tīn', bi-zān'tīn) *adj.* 1. Of, relating to, or typical of the ancient city of Byzantium, its inhabitants, or their culture. 2. Of or designating the architectural style developed from the 5th cent. A.D. in Byzantium, marked by round arches, massive domes, intricate minarets and spires, and extensive use of mosaic. 3. Of or referring to the style of painting and design developed in Byzantium, marked by formal design, frontal, stylized presentation of figures, rich use of color, esp. gold, and generally religious subject matter. 4. Of or relating to the Eastern Orthodox Church or its rites. 5. a. Of, relating to, or marked by intrigue: devious <"A fine hand for Byzantine deals and cozy arrangements"> — *New York* > b. Highly complicated: INTRICATE <"A financial empire of Byzantine complexity"> — *Newsweek* > — *n.* A native or inhabitant of Byzantium.

cab (kab) *n.* [Heb. *qabbh*.] A Hebrew measure equal to approx. two quarts.

ca-bal (kə-bāl', -bāl') *n.* [Fr. *cabale* < Med. Lat. *cabala*. — see CABALA.] 1. A conspiratorial group of plotters. 2. A secret plot or scheme. — *vi.* **-balled**, **-bal-ling**, **-bals**. To form a cabal.

cab-a-la or **cab-ba-la** (kăb'ə-lə, kə-bā'-) *n.* [Med. Lat. < Heb. *qabālāh*, received doctrine < *qābal*, he received.] 1. *Often Cabala*. An occult theosophy of rabbinical origin, widely disseminated in medi-

val Europe, based on an esoteric. 2. A secret, esoteric, or — **cab'-a-list** *n.* — **cab'-a-l-adv.**

cab-al-le-ro (kăb'ə-lăr'ō, -ballarius, horse groom < Lat. *c*: CAVALIER. 2. Southwestern U. **ca-ban-a** also **ca-ba-na** (LLat. *capanna*, hut.) A shelter is used as a bathroom.

cab-a-ret (kăb'ə-ră') *n.* [Fr. *camera*, room. — see CHAMBER] live entertainment. 2. A floor

cab-bage (kăb'ij) *n.* [ME *cab* plant, *Brassica oleracea capitata* wide and having a short, thick overlapping green or reddish l

bage palm. 3. *Slang*. Money. — form or grow in a head, as cal

cabbage butterfly *n.* A w

larvae that feed on cabbage.

cabbage palm *n.* A tropical

cea, with leaf buds that are e

cabbage palmetto *n.* A p

cabbage rose *n.* A prickly

tifolia, with large, fragrant, m

cab-bage-worm (kăb'ij-wt) feed on and destroy cabbage, e

butterfly.

cabbage yellow *n.* A disea

of leaves and caused by the fi

cab-ba-la (kăb'ə-lə, kə-bā'-

cab-by (kăb'ē) *n.* *pl.* **-bies**

ca-ber (kă'bər, kă'-) *n.* [Sc. (

thrown as a demonstration of

cab-er-net (kăb'ər-nă') *n.* [

variety Cabernet sauvignon.

cab-e-zon (kăb'ī-zōn') *n.* [S

**capitia* < Lat. *caput*, head.]

cab-in (kăb'in) *n.* [ME *caba*

small, roughly constructed h

a ship used as living quarter

closed compartment in a bo

The enclosed space in an air

— *vt.* *vi.* **-ined**, **-in-ing**,

cabin *n.* A boy employ

cabin class *n.* A class of ac

lower than first class and hig

cabin cruiser *n.* A powerl

cab-i-net (kăb'ə-nit) *n.* [C

gambling house.] 1. An uprig

drawers, or compartments,

lection of objects. 2. *often C*

chief of state or a prime mini

the government and act as of

set aside for a specific activi

cab-i-net-mak-er (kăb'ə

in making fine wooden furni

cab-i-net-ry (kăb'ī-nī-trē)

cab-i-net-work (kăb'ə-nī

a cabinetmaker.

cabin fever *n.* Anxiety or c

stimulation, as when living:

a small enclosed space.

ca-ble (kă'bəl) *n.* [ME < N

capere, to seize.] 1. a. A st

rope. b. Something resemblin

group of mutually insulated

chain for mooring or ancho

equal to 720 feet or approx.

feet or approx. 185 meters ir

sion. — *v.* **-bled**, **-bling**, **-l**

b. To transmit (a message) b

able or cables. — *vi.* To se

cab-le-car *n.* A car designed

ca-ble-cast (kă'bəl-kăst')

vision. — **ca'ble'cast'**

-casts. — **ca'ble'cast'e**

ca-ble-gram (kă'bəl-gram

ca-ble-laid (kă'bəl-lād')

strands each, twisted togeth